SINGLE BENCH (3)

C.S 1021

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 2258 OF 2005

PETITIONER SHOBNATH PANIKA, SON OF LATE BISHAMBHAR PANIKA, AGED ABOUT 52 YEARS, WORKING AT KURGA COLLIERY, SOUTH EASTERN COALFIELDS LTD., HASDEO AREA, POST-BIJURI, DISTRICT ANUPPUR-(M.P)

VS

RESPONDENTS

1. SOUTH EASTERN COALFIELDS LTD., THROUGH THE CHAIRMAN CUM MANAGING DIRECTOR, SEEPAT ROAD, BILASPUR [C.G.]
2. THE PERSONNEL MANAGER (I.R), SECL, SEEPAT ROAD, BILASPUR [C.G.]
3. THE MINE SUPERINTENDENT MANAGER, PALKIMORA MINES, DISTRICT KORIYA.

P.R. No. 9095/05
Presented by Shri Santosh Bhanja
dated 25.03.05

WRIT PETITION UNDER ARTICLE 227 & 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS / CERTIORARI ETC OR DIRECTION(S) / ORDER(S) IN THE LIKE NATURE ETC.

(19)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 2258 of 2005

Petitioner Shobnath Panika
Versus
Respondents South Eastern Coalfields Ltd. & others
SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Miss Sharmila Singhai, Advocate for the petitioner.

Shri H. B. Agarwal, Senior Advocate with Miss Sangeeta Mishra, Advocate for the respondents.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. Learned counsel appearing for the petitioner submits that the date of birth of the petitioner was recorded as 25.7.1946 (Annexure P/2). The petitioner came to know that this has been mentioned without assigning any reason, as the B Form – Service Register (Annexure R/1) does not indicate the date of birth but it mentions the age of the petitioner as 29 years, as on 29.7.1975, without any basis.
2. Learned counsel appearing for the petitioner further submits that the other document i.e. the letter dated 13.8.1987 (Annexure P/2) also indicates the date of birth of the petitioner as 1st January, 1953, which was struck down and corrected as 29 years, as on 25.7.1975.
3. Be that as it may, without going into the factual aspects of the matter, I am of the view that the matter ought to have been examined by the Age Determination Committee of the respondents/South Eastern Coalfields Ltd. The respondents have constituted the Age Determination Committee for the purpose of deciding and determining the issue of date of birth. In the present case, admittedly, this exercise has not been done and it appears that the duplicate mark-sheet of Higher Secondary School Certificate Examination, 1973, issued by the Board of Secondary Education, Madhya Pradesh, Bhopal (Annexure P/3), which indicates the date of birth of the petitioner as 1.1.1953, has not been considered.
4. Since the Age Determination Committee is already in existence to decide and determine the issue in question, it is desirable that this dispute be also referred to the Age Determination Committee of the respondents for decision, in accordance with law. It is ordered, accordingly.
5. The petition is allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur.